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COMMISSION ON HUMAN RIGHTS

Fifty-fifth session

SUMMARY RECORD OF THE 59th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 April 1999, at 3.30 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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The meeting was called to order at 4.05 p.m.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS:

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (continued) (E/CN.4/1999/L.82, L.83 and L.87)

Draft resolution on regional arrangements for the promotion and protection of human rights (E/CN.4/1999/L.82)

1. Ms. FOSTIER (Observer for Belgium), introducing the draft resolution on behalf of its sponsors who had been joined by the representative of the Republic of Korea and the observer for Croatia, said that activities to promote and protect human rights at the regional level, together with technical cooperation in the field of human rights, should be mutually reinforcing. The draft resolution was similar to that adopted by the Commission without a vote at its fifty-third session and to one adopted by the General Assembly at its last session.

2. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of Guatemala and Mauritius and the observers for the Republic of Moldova and Togo had become sponsors of the draft resolution.

3. The draft resolution was adopted.

Draft decision on human rights and thematic procedures (E/CN.4/1999/L.83)

4. Mr. SOMOL (Czech Republic), introducing the draft decision, said that it had been agreed that the substance of the perennial item on thematic procedures would not be debated in view of the ongoing discussion of that topic in the context of the rationalization of the Commission's work. The draft decision currently before the Commission was thus a purely procedural one to postpone consideration of the topic to the fifty-sixth session.

5. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation hoped to play an active part in the consideration of thematic procedures at the forthcoming session.

6. The draft decision was adopted.

Draft resolution on national institutions for the promotion and protection of human rights (E/CN.4/1999/L.87)

7. Mr. HEYWARD (Observer for Australia), introducing the draft resolution on behalf of its sponsors, said that it reaffirmed the importance of developing effective, independent and pluralistic institutions which conformed

to the principles governing the status of national institutions annexed to General Assembly resolution 48/134. It welcomed the increased priority which the High Commissioner for Human Rights had accorded to the establishment of such institutions, and called on her Office to strengthen its coordinating role, the necessary resources being allocated for that purpose. It also stressed the importance of the participation of national institutions in United Nations human rights mechanisms.

8. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of Bangladesh, Germany, Morocco and Venezuela, and the observers for Angola, Belarus, Croatia, Israel and Ukraine had become sponsors of the draft resolution.

9. The draft resolution was adopted.

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1999/L.76, L.77, L.89, L.92 and L.93)

Draft resolution on mainstreaming technical cooperation in all areas of human rights (E/CN.4/1999/L.76)

10. Mr. H.K. SINGH (India), introducing the draft resolution on behalf of its sponsors who had been joined by the representatives of Congo, El Salvador, Nepal, Rwanda and Sri Lanka and the observers for Cameroon, Ethiopia, Gabon, Haiti, Nigeria and Uganda, said that it advocated a promotional approach to human rights. It affirmed that advisory services and technical cooperation, provided at the request of Governments with a view to developing national capacities, should be an effective means of promoting human rights, democracy and the rule of law. In that connection, technical cooperation activities in all areas of human rights should be mainstreamed as an essential element in the promotional approach. More specifically, technical cooperation programmes should support national development goals.

11. His delegation had been disappointed that a number of delegations had refused to take part in substantive discussions on the issue stating that the previous year's resolution 1998/57 had biennialized it. While biennialization could be a useful tool to reduce the Commission's annual workload, it should not be used as a pretext to prevent discussion and consideration of substantive issues and entirely new resolutions. Some donor countries had opted for an obstructive and confrontational approach, because they opposed the efforts of developing countries to promote initiatives that did not directly serve any donor interest or agenda, and had circulated an anonymous position paper urging delegations to vote against the draft resolution. That position paper, which was a blatant attempt to obfuscate and misrepresent the position of the developing countries, was an affront to those countries' capacity to determine their own interests and concerns, and their ability to take decisions for themselves.

12. The promotion and protection of human rights could not be reduced to a crass donor-versus-recipient equation of power, dominance and control; technical cooperation programmes reflected a partnership in which the actual needs and requirements of recipient developing countries were given primacy, rather than donor-imposed preferences.

13. There was nothing unbalanced or judgemental in the draft resolution. Indeed, some of its sponsors were themselves contributors to the Voluntary Fund for Technical Cooperation, yet they firmly believed that the High Commissioner should enjoy the freedom to decide on each advisory services programme in the interest of human rights alone.

14. The draft resolution outlined an approach to advisory service and technical cooperation which had never been covered by past resolutions on the Voluntary Fund. Resolution 1998/57 was a vehicle for exercising donor control over the Voluntary Fund, an entirely separate issue which donors were free to pursue independently. The sponsors hoped that the Commission would adopt the draft resolution without a vote.

15. Mr. HÖYNCK (Germany) said that the draft resolution would have to be put to the vote.

16. Ms. RUBIN (United States of America), speaking in explanation of vote before the voting, said that her delegation was deeply troubled by the effects that the proposed draft resolution could have on future technical cooperation in the field of human rights. The text called for technical cooperation programmes to be grounded in the national development objectives of the countries concerned. The Commission should not prejudge the terms under which countries requested and received technical cooperation. Such restrictions could lead to the loss of valuable financial and technical assistance. Furthermore, the text stated that monitoring operations must progressively shift to a programme for enhancing national capacities, which could have the effect of removing United Nations human rights monitors from countries where they were needed. By its very nature, technical assistance should be a cooperative venture in which donors, recipients and interested countries could all agree. The proposed text would have the opposite effect. Accordingly, her delegation would vote against the draft resolution.

17. Mr. HÖYNCK (Germany), speaking on behalf of the European Union and of the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that advisory services and the programme of technical cooperation of the Office of the High Commissioner for Human Rights (OHCHR) had been dealt with in resolution 1998/57. By adopting that resolution without a vote, the Commission had decided to biennialize the issue, in other words to resume consideration thereof at its fifty-sixth session. The sponsors of the draft resolution had participated in the negotiations leading to that agreement.

18. In the absence of any urgent developments necessitating consideration of the issue at the current session, the Union saw no reason to depart from the previous year's decision. At a time when the Commission's workload was steadily increasing, it wished to see the emerging trend of biennialization strengthened, not weakened.

19. Resolution 1998/57 also requested the Secretary-General to present an analytical report on the programme of advisory services and technical cooperation to the Commission at its fifty-sixth session. Since that report was still pending, the sponsors of the draft resolution had failed to explain the usefulness of their endeavour, which seemed to be an attempt to prejudge

the contents and conclusions of the analytical report by providing detailed yet untimely guidance to OHCHR. It was also regrettable that such divisive language should have been used to introduce the draft resolution. In the circumstances, the countries he was representing would vote against it.

20. Mr. SUMI (Japan) said that his delegation was unable to accept certain elements in the draft resolution and would consequently vote against it. In particular, the call to diminish the role of monitoring was unacceptable. Technical cooperation was not a substitute for monitoring; the two operations were complementary. Furthermore, the draft resolution adopted a different approach to the very same issues which had been addressed in the previous year's consensus resolution, thereby leading to a proliferation of resolutions on related themes which might ultimately contradict one another.

21. Ms. CLOVER (United Kingdom), having endorsed the statement made by the representative of Germany on behalf of the European Union, said that partnership was fundamental to the success of advisory services and technical cooperation. Her delegation believed that, albeit unintentionally, the draft resolution would undermine the future of human rights field operations. It sought to dictate to donor countries how funds for technical assistance should be spent, thereby introducing extraneous political elements into the process.

22. Ms. CHATSIS (Canada), also speaking on behalf of the delegation of Norway, said that her delegation would vote against the draft resolution on both procedural and substantive grounds. As had been noted by the representative of Germany, it had been agreed by resolution 1998/57 that consideration of the issue would be deferred until the following year. Circumstances did not warrant any reconsideration of the topic.

23. Paragraphs 4 and 9 attempted to set out a false dichotomy between monitoring and technical assistance and to devalue the former. The two aspects of the High Commissioner's work were complementary. Indeed, the ultimate relevance and credibility of the Commission depended on the objectivity and quality of its fact-finding. Nor could her delegation support the assertion in paragraph 6 that technical cooperation programmes should be grounded in national developmental objectives of the country concerned. International technical cooperation programmes should by definition be grounded in international human rights standards.

24. In addition, micro-management of the High Commissioner's work, as implied by paragraph 13, should be resisted since it did nothing to improve the efficiency and effectiveness of OHCHR and its operations. Lastly, economic and social development and poverty eradication were not prerequisites for the enjoyment of human rights, as paragraph 18 seemed to imply.

25. Mr. STROHAL (Austria), having endorsed the statement made by the representative of Germany on behalf of the European Union, said that the demand for advisory services and technical assistance frequently outstripped supply, thus demonstrating that the programme was working effectively. Partnership was essential not only in providing technical assistance but also when complying with resolutions. The draft resolution was not calculated to promote partnership, and it sought to micro-manage a system that was already functioning effectively.

26. Mr. MALGUINOV (Russian Federation) said that, although his delegation had some reservations about the language of the draft resolution, it would nevertheless vote in favour in order to help countries which required technical assistance in the field of human rights. The draft resolution raised some very important issues for the High Commissioner's work.

27. Mr. SGARBI (Uruguay) said that, although his delegation agreed with many of the points made in the draft resolution, it deemed it preferable to reach consensus on the issue at the forthcoming session on the basis of the analytical report requested by resolution 1998/57. His delegation would therefore abstain from voting.

28. At the request of the delegation of India, a vote was taken by roll-call on the draft resolution on mainstreaming technical cooperation in all areas of human rights (E/CN.4/1999/L.76).

29. Morocco, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, China, Congo, Cuba, Democratic Republic of the Congo, Ecuador, El Salvador, India, Indonesia, Liberia, Madagascar, Mauritius, Mexico, Nepal, Niger, Pakistan, Peru, Philippines, Qatar, Russian Federation, Rwanda, Senegal, Sri Lanka, Sudan, Tunisia.

Against: Argentina, Austria, Canada, Chile, Czech Republic, France, Germany, Ireland, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Republic of Korea, Romania, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Cape Verde, Colombia, Guatemala, Morocco, Mozambique, Uruguay, Venezuela.

30. The draft resolution was adopted by 27 votes to 19, with 7 abstentions.

Draft resolution on assistance to States in strengthening the rule of law (E/CN.4/1999/L.77)

31. Mr. BAHADIAN (Observer for Brazil), introducing the draft resolution on behalf of its sponsors, said that much of the language was similar to that of previous resolutions on the subject. He drew particular attention to paragraph 10, in which the Commission encouraged the High Commissioner to continue to explore the possibility of working with financial institutions to obtain technical and financial support. It should also be noted that paragraph 6 incorporated language from General Assembly resolution 53/142, which had had 99 sponsors and had been adopted by consensus.

32. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of Ecuador, Italy, Morocco, Norway, Republic of Korea, and United Kingdom and the observers for Angola, Belarus, Bolivia and Haiti had become sponsors of the draft resolution.

33. The draft resolution was adopted.

Draft resolution on assistance to Somalia in the field of human rights (E/CN.4/1999/L.89)

34. Mr. MORENO (Italy), introducing the draft resolution on behalf of its sponsors, said that the Commission must ensure that human rights issues became a key element in the peace negotiations on Somalia sponsored by the United Nations and other international organizations. While the growing integration of human rights in the programmes of a number of United Nations agencies was welcome, those programmes did not reflect a systematic and comprehensive strategy to increase respect for human rights, but were somewhat fragmented. A global strategy was needed.

35. The draft resolution condemned the widespread violations of human rights and humanitarian law in Somalia and called on all parties to respect international humanitarian law and to work towards a peaceful solution to the crisis in that country. It also requested that the mandate of the independent expert be extended. He hoped that, as in the past, the draft resolution could be adopted without a vote.

36. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representative of Ireland and the observers for Costa Rica and New Zealand had become sponsors of the draft resolution.

37. Mr. COMBA (Office of the High Commissioner for Human Rights) said that, although it was not explicitly stated in the draft resolution, the Commission was requesting an extension of the mandate of the independent expert. Financial provisions in the amount of US$ 55,700 had been made under section 22 of the programme budget for the biennium 1998-1999 to cover the activities of the independent expert, and other requirements relating to the extension of that mandate would be covered by the programme budget for the biennium 2000-2001.

38. The draft resolution was adopted.

Draft resolution on the situation of human rights in Cambodia (E/CN.4/1999/L.92)

39. Mr. AKAO (Japan), introducing the draft resolution on behalf of its sponsors, said that, although Cambodia still faced many difficulties in ensuring respect for human rights, the Cambodian Government was willing to work to improve that situation, affording a good example of the benefits of advisory services and technical cooperation in the field of human rights. The draft resolution welcomed the progress made by the Cambodian Government and urged it to pursue further efforts. It also invited the international community to assist those efforts.

40. The bringing to justice of those Khmer Rouge leaders most responsible for egregious violations of human rights was a key issue that was dealt with in paragraph 14 of the draft resolution.

41. He drew attention to the list of editorial corrections to the draft text that had been circulated to delegations earlier in the day. The sponsors hoped that the draft resolution would contribute to the further promotion and protection of human rights in Cambodia and that it would be adopted without a vote.

42. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of France and Ireland and the observers for Belgium and Israel had become sponsors of the draft resolution.

43. Mr. COMBA (Office of the High Commissioner for Human Rights) said that although it was not explicitly stated in the draft resolution, the Commission was requesting a one-year extension of the mandate of the Special Representative of the Secretary-General. Financial provisions in the amount of US$ 118,000 had been made under section 22 of the programme budget for the biennium 1998-1999, and any further extension of the Special Representative's mandate would be covered by the programme budget for the biennium 2000-2001.

44. The draft resolution was adopted.

45. Ms. RUBIN (United States of America) said she welcomed the adoption by consensus of the draft resolution. Her delegation fully agreed that the Khmer leaders most responsible for the most serious violations of human rights should be brought to justice, and encouraged the Cambodian Government to cooperate with the international community to that end.

Draft resolution on the situation of human rights in Haiti (E/CN.4/1999/L.93)

46. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that, following consultations among the sponsors, the text of the draft resolution had been revised. In the seventh preambular paragraph, the phrase "caused by the absence of an agreement regarding the status of most parliamentarians" and the words "after 11 January 1999" should be deleted. A new preambular paragraph should be inserted immediately thereafter, which would read "Taking note with interest that the Court of Cassation has agreed to rule soon on the question of the status of parliamentarians and local authorities, which has been pending since 11 January 1999,". The reference to the Organization of African Unity in paragraph 14 of the English version should, of course, be corrected to the Organization of American States. Lastly, Venezuela should appear among the sponsors listed.

47. The text was based on previous resolutions of the Commission and the General Assembly as well as on information contained in the reports of the Secretary-General, his Special Representative for Haiti, the International Civilian Mission to Haiti and the United Nations Civilian Police Mission in Haiti. The text was the result of constructive consultations between the Friends of the Secretary-General on Haiti and the Haitian delegation and reflected the latest developments in the situation in Haiti.

48. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of Japan, Norway and the United States of America and the observers for Brazil, Finland, Israel, Nicaragua and Sweden had become sponsors of the draft resolution.

49. Mr. ANTONIO (Observer for Haiti) said that, while his delegation was not opposed to the changes that had been made to the seventh preambular paragraph of the draft resolution, it did have some reservations regarding the wording of the new preambular paragraph. It was regrettable that, once again, there

was no mention of the restitution to the Haitian authorities of the files of the Front révolutionnaire pour l'avancement et le progrès en Haiti (FRAPH), which were part of the country's national heritage and were vital to the country's efforts to combat impunity. Despite those reservations, however, his delegation was able to support the draft resolution.

50. Mr. COMBA (Office of the High Commissioner for Human Rights) said that, although it was not explicitly stated in the draft resolution, it was understood that the Commission was requesting a one-year extension of the mandate of the independent expert on the situation of human rights in Haiti. Financial provisions in the amount of US$ 75,000 had been included under section 22 of the programme budget for the biennium 1998-1999 to cover the activities of the independent expert, and other requirements relating to the extension of that mandate would be covered by the programme budget for the biennium 2000-2001.

51. The draft resolution, as orally revised, was adopted.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/1999/L.85)

Draft resolution on human rights and responsibilities (E/CN.4/1999/L.85)

52. Mr. ZAHRAN (Observer for Egypt) said that, although consultations had been held since the draft resolution had been introduced at the previous meeting, further consultations were still required in an effort to reach a consensus. In view of the limited time available, he proposed that the Commission should defer consideration of the draft resolution to its fifty-sixth session.

53. The CHAIRPERSON said she took it that the Commission agreed to the proposal by the observer for Egypt.

54. It was so decided.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued) (E/CN.4/1999/L.60)

Draft resolution on racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1999/L.60)

55. Mr. REYES RODRÍGUEZ (Cuba) recalled that, at the Commission's 55th meeting, his delegation had raised questions regarding the programme budget implications of that draft resolution. He asked whether the Secretariat was in a position to reply to them at the current meeting.

56. Mr. MORJANE (Tunisia) said that it was very important that the Preparatory Committee for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should get off to a good start. He therefore urged all traditional donors to consider contributing to the budget for the implementation of the draft resolution currently under consideration.

57. Mr. COMRA (Office of the High Commissioner for Human Rights) said that, if the draft resolution was adopted, the High Commissioner would immediately initiate, using extrabudgetary resources, the activities provided for in paragraphs 55, 56, 61, 62 and 63 (b).

58. The draft resolution was adopted.

59. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said he regretted the unavoidable absence of the High Commissioner who had hoped to be present at the adoption of the draft resolution because of the importance she attached to the issue. Activities in connection with the Decade were a priority.

60. The High Commissioner had to juggle regular budgetary resources with voluntary contributions. Such contributions would be of great assistance in ensuring the success of the World Conference.

THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1998/L.8)

Draft resolution on the right to development (E/CN.4/1999/L.8)

61. Mr. MONTWEDI (South Africa), introducing the draft resolution on behalf of the Movement of Non-Aligned Countries and China, said that it had become clear during the consultations that more time would be required to secure consensus on certain issues in the original text prepared by the Movement of Non-Aligned Countries which had consequently been withdrawn and replaced by an updating of resolution 1998/72 in order to ensure that the open-ended working group advanced on the basis of consensus.

62. The negotiating spirit that had prevailed during the consultations had been such that the gaps were narrowing and, had it not been for time constraints, it would have been possible to reach consensus on all issues, including the following: studying the question of elaborating a convention on the right to development; the imposition on States of multilateral coercive measures inconsistent with the Charter of the United Nations and/or international law and the consequent impact of such measures on the enjoyment of the right to development; the impact of globalization on the right to development, as well as appropriate policy responses to its challenges at both national and international levels; international cooperation, especially as it related to honouring commitments agreed upon by the developed countries; the use of human rights as a conditionality for loans, aid or trade and the ultimate impact thereof on the realization of the right to development; and the adverse impact of financial crises amongst some of the developing countries on the realization of the right to development.

63. It was hoped that those issues would be included in the programme of the mechanisms established by Commission resolution 1998/72, including the open-ended working group.

64. Over the past 50 years, the concept of development had evolved significantly from its original interpretation, with the focus solely on economic growth. It had come to be understood as a multidimensional undertaking, a people-centred and equitable process. Nevertheless in the 13 years since the adoption of the Declaration on the Right to Development, not much had been registered in terms of measurable steps towards the actual realization of the right.

65. There were two minor changes to the text of the draft resolution: in paragraph 9 the last words should read "resolution 1998/72" and in paragraph 10 the words "and the General Assembly" should be deleted.

66. He requested that his statement should form part of the official documents of the working group.

67. Mr. AGUILAR URBINA (Secretary of the Commission) said that the representatives of Argentina, Austria, Canada, Ecuador, France, Germany, Ireland, Japan and the United Kingdom and the observers for Australia, Brazil, Denmark, Finland, Greece, New Zealand, Nicaragua, Paraguay and Spain had become sponsors of the draft resolution.

68. The draft resolution was adopted.

69. Mr. HÖYNCK (Germany), speaking in explanation of position on behalf of the European Union and the associated countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, expressed satisfaction that it had been possible to re-establish a consensus on the right to development, which had traditionally been one of the benchmark resolutions in the Commission. The delegation of South Africa had done some excellent work on an issue that was as important as it was difficult.

70. At the current session, there had been much broader interest in the right to development than in the past. Nearly 40 States had taken the floor on the subject and delegations from all regions had participated in the elaboration of the draft resolution. The Union regarded that wide participation as an important step forward in the process of reaching a broad-based consensus on the content and scope of the right to development.

71. It was not surprising that many new and complex ideas had emerged. In spite of intense consultations, in good faith on all sides, time had been too short to reach agreement on all issues. Moreover, in the Union's view, some of the issues might be better dealt with in other contexts, while others would be discussed further at the first session of the working group. It had therefore been wise to build on the established consensus to focus clearly on the follow-up mechanism, which had a broad mandate to deal with all the issues relating to the promotion and implementation of the right to development.

72. The Union was confident that the independent expert's report would provide a basis for discussion at the first session of the working group and a framework for the further consideration of other ideas. The Commission's work on the right to development was of crucial importance to efforts by other entities of the United Nations system, States and civil society to make progress towards the realization of that right.

73. He would like his statement also to form part of the official documents of the working group.

74. Mr. AKAO (Japan), speaking also on behalf of the observers for Australia and New Zealand, expressed appreciation at the openness of negotiations on the draft resolution, in which a broad range of delegations had participated. Some areas of agreement had been clarified, while in others further work needed to be done. Time constraints had unfortunately prevented the completion of the deliberations. It had therefore been a correct decision to return to the consensus of the fifty-fourth session.

75. States had the primary responsibility for creating conditions favourable to the realization of the right to development, namely, transparent and accountable governance, including sound economic policies, effective legal frameworks, democratic participation by civil society and the development of strong and independent national institutions. Such issues should be further discussed in the working group, although it was important not to prejudge its conclusions. It was to be hoped that, within the working group, delegations would adopt a multidisciplinary approach, consistent with the Commission's human rights focus.

76. There were a number of issues that needed to be resolved. First of all, with regard to the balance of responsibilities between the categories of countries, the working group should develop a better understanding of the difference between development assistance and the right to development. While developed countries should play an important role in assisting the self-help efforts of developing countries, States had the ultimate responsibility of realizing the right to development for their own people. Secondly, the Governments on whose behalf he was speaking had yet to be convinced that the best way of implementing the Declaration was through the negotiation of a convention. Thirdly, they had reservations about the introduction of macroeconomic concepts in an inappropriate context. If such issues were to be addressed, however, the discussion should also explore the real cause of poverty and the reasons for the different development experience of various countries.

77. Notwithstanding the complexities involved, the three Governments reaffirmed their strong commitment to the right to development and its practical implementation. They had become sponsors of the draft resolution in that spirit. Lastly, he requested that his statement, too, should be included in the report of the working group.

78. Mr. KANAVIN (Norway), speaking also on behalf of the delegation of Canada, said that the right to development had become something of a barometer for the Commission: reaching consensus was an important signal that North and

South could work together to develop understanding and identify measures to implement the right to development; it was gratifying that consensus had been re-established, thus enabling the delegations of Canada and Norway to renew their sponsorship.

79. Despite lengthy negotiations, it had not been possible to complete work on a new text, but the wider participation was encouraging. It was to be hoped that the spirit of cooperation that had prevailed would continue within the working group. There was still much to do to define the scope of the right and to agree on specific steps to be taken.

80. Ms. RUBIN (United States of America) said that, by adopting a text containing an updated version of resolution 1998/72, the members of the Commission had recognized that the forthcoming meeting of the working group was the proper forum for discussing new ideas on the right to development.

81. As the discussions on the topic had demonstrated, there were many possible approaches. For example, her delegation believed that it would be useful to focus the debate on the role of individual freedom in fostering development and the role that transparency, good governance and the effective rule of law played in promoting national growth and prosperity.

82. She therefore hoped that the working group would make a thorough study of the close relationship between economic and social development, on the one hand, and respect for universally recognized human rights and fundamental freedoms, on the other. Comparing successful developing countries with less successful ones, in relation to their protection of human rights and the openness of their economic policies, would prove instructive for the working group.

83. Mr. CHOWDHURY (Bangladesh) said that his delegation appreciated the spirit of goodwill shown in the negotiations, but would have preferred to see a text reflecting more adequately the several key elements enumerated by the representative of South Africa, many of which were contained in the Durban Declaration of the Twelfth Conference of Heads of State or Government of the Non-Aligned Countries and in General Assembly resolution 53/155. The latter specifically requested the Commission to invite the working group to consider the question of elaborating a convention. It was his delegation's understanding that the working group would address that element, among other substantive issues.

84. He requested that his position be fully reflected in the Commission's report and in the background documents to be prepared for the working group.

RIGHTS OF THE CHILD (agenda item 13) (continued) (E/CN.4/1999/L.39 and L.103)

Draft resolution on the rights of the child (E/CN.4/1999/L.39 as revised by E/CN.4/1999/L.103)

85. Mr. HÖYNCK (Germany), introducing the draft resolution on behalf of its sponsors, said that, despite the universal commitment to the Convention on the Rights of the Child, those rights were still far from being fully implemented.

The draft resolution reflected the progress made and the steps that should be taken. It stressed that cooperation among all the actors was crucial and that global standards had to be raised and strengthened. In that context, the sponsors were strongly committed to the aim of finalizing the work on the two optional protocols to the Convention, which would open up new avenues for action. He also drew attention to the renewed sections on child labour and the right of the child to health and education.

The meeting rose at 6.05 p.m.